

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUL 28 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 29 2004 under 71513

The applicant **The Walen Family 1994 Trust** hereby makes application for permission to change the **place of use of a portion** of water heretofore appropriated under **Claim No. 78 of the Truckee River Decree**, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants" in Equity Docket No. A-3

1. The source of water is **Truckee River**
2. The amount of water to be changed **2.56 acre feet & a prorata share of the diversion rate**
3. The water to be used for **As Decreed Purposes**
4. The water heretofore permitted for **As Decreed Purposes**
5. The water is to be diverted at the following point w/in **NE¼ SW¼ Section 31 T19N, R18E, MDM** or at a point from which the SE corner of said Section 31 bears **S 62 degrees 04 minutes E**, a distance of **3,195 feet**. Steamboat Ditch is illustrated on Sheet 2 of the Truckee River Culture Map on file at the Nevada State Engineer's Office
6. The existing permitted point of diversion is located within **Proposed point of diversion is the same as the existing point of diversion – the Steamboat Ditch**
7. Proposed place of use **0.38 acres w/in the SE¼ NW¼ Section 18 T18N, R20E, MDM**
0.26 acres w/in the SW¼ NW¼ Section 18 T18N, R20E, MDM
0.64 total acres at a duty of 4.003364 af/acre
8. Existing place of use **6.92 acres w/in the SE¼ NW¼ Section 18 T18N, R20E, MDM**
6.10 acres is being rearranged on the Chimits Family Trust Parcels 1, 2 and 3 under Appln. No. 0.64 acres is being transferred to APN 44-020-48 The Walen Family Trust see Appln. No. 0.18 acres is being transferred to APN 44-020-47 The Mays Family Trust see Appln. No.
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Water will be diverted at existing Steamboat division, dam and transported to the proposed place of use.**
12. Estimated cost of works **Existing**
13. Estimated time required to construct works **Existing**
14. Estimated time required to complete the application of water to beneficial use **3 Years**

15. Remarks: Reports of conveyance have been filed to document the conveyance of 0.64 acres to The Walen Family 1994 Trust and 0.18 acres to the Robert E. Mays, Jr. Family Trust Agreement. The Chimits Family Trust is rearranging the remaining 6.10 acres to correspond to irrigated acres.

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared sg/sc lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 78, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 0.64 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.009 cubic feet per second, **but not to exceed 2.56 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

August 24, 2007

Proof of completion of work shall be filed on or before:

September 24, 2007

Water must be placed to beneficial use on or before:

August 24, 2009

Proof of the application of water to beneficial use shall be filed on or before:

September 24, 2009

Map in support of proof of beneficial use shall be filed on or before:

September 24, 2009

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 24th day of August, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____